

REMARKS

Favorable consideration of this application is respectfully requested in view of the above amendment and the following remarks. Entry of the amendment and supplemental information statement are respectfully requested.

Claims 1-6, 8, and 10-15 are pending in the application. Claims 10, 11, 14 and 15 remain withdrawn. Claims 1-5, 8 and 12 have been rejected. Claims 6 and 13 have been objected to. Claim 1 has been amended. New claims 16-17 have been added. Support for the subject matter in new claims 16-17 can be found in originally filed claim 6 and in the specification, e.g., page 5, lines 22-23 and page 11, lines 9-12. It is submitted that no new matter has been added.

Claims 1-6, 8, 12 and 13 remain objected to for containing non-elected subject matter. The Examiner contends that the non-elected subject matter consists of compounds of Formula I that are not the elected species.

In response, at this stage of prosecution Applicants refrain from amending the claim to delete non-elected subject matter.

Claims 1-5, 8 and 12 remain rejected under 35 U.S.C. §112, first paragraph, as failing to comply with the written description requirement.

In response, to facilitate prosecution claim 1 has been amended to delete the term “or cycloalkyl” for the definition of R3 and R4. In addition, claim 1 has been amended to recite that “R₃ together with R₄ and the N to which they are bonded form a ~~4-8 membered ring~~ piperidine, pyrrolidine, morpholine or thiomorpholine, optionally substituted with OH, (C₁₋₄)alkyl, (C₁₋₄)alkyloxy, (C₁₋₄)alkyloxy- (C₁₋₄)alkyl, or halogen.”

In view of the above, withdrawal of the rejection of claims 1-5, 8 and 12 under 35 U.S.C. §112, first paragraph, is respectfully requested.

Claims 1-5, 8 and 12 have been provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-5, 8 and 9 of application ser. no. 11/506,579.


In response, Applicants request that this rejection be held in abeyance until indication by the Examiner that the pending claims are otherwise allowable.

A good faith effort has been made to place the present application in condition for allowance. If the Examiner believes a telephone conference would be of value, she is requested to call the undersigned at the number listed below.

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Organon International Inc.
Patent Department
c/o Schering-Plough Corporation
2000 Galloping Hill Road
Kenilworth, New Jersey 07033-0530
K-6-1; MS 1990
Tel: (908) 298-2161
Fax: (908)-298-5388

Respectfully submitted,

By  _____

Susan Hess
Registration No.: 37,350
Attorney For Applicant(s)